

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268

In the Matter of:

Freehold Trailer/Lafayette Station, New Jersey 07728 : Docket No: A2011-19  
Post Office State ZIP Code

Freehold Center Management Corporation, Petitioner(s) :

PARTICIPANT STATEMENT

1. Petitioner(s) are appealing the Postal Service's Final Determination concerning the Freehold Trailer/Lafayette Station post office. The Final Determination was posted June 22, 2011.  
(date)

2. In accordance with applicable law, 39 U.S.C. §404(b)(5), the Petitioner(s) request the Postal Regulatory Commission to review the Postal Service's determination on the basis of the record before the Postal Service in the making of the determination.

3. Petitioners: Please set out below the reasons why you believe the Postal Service's Final Determination should be reversed and returned to the Postal Service for further consideration. (See pages 1-2 of the Instructions for an outline of the kinds of reasons the law requires us to consider.) Please be as specific as possible. Please continue on additional paper if you need more space and attach the additional page(s) to this form.

The Freehold Center Management Corporation, in response to the Response of the US Postal Service to Petitioner's Application for Suspension of Discontinuance for the Freehold Trailer, Freehold, New Jersey 07728, dated July 5, 2011, states as follows:

1. As to the pleading that the Appeal is not within the scope of the Commission's jurisdiction under 39 USC § 404(d), the Postal Service asserts that this is not an independent Post Office so that the Commission does not have jurisdiction. This issue has apparently been a long standing matter of dispute between the Commission and the Postal Service. East Elko Station, Elko, Nevada (Docket No. A2010-3). The East Elko case involved a Post Office and a Branch or Satellite that were in the same municipality. That is not the situation here in Freehold where the trailer is located in Freehold Borough, which is the County seat, and the Post Office which is 2.2 miles away is in Freehold Township, a totally separate municipality. The facts that were involved in the Elko Station case are distinctively different from the facts in this case.. In addition, in reading the East Elko case, it is obvious that the station that was closed was mainly a rural post office box holder station and the only walk-in traffic was related to the surrounding businesses in that portion of the municipality, the local hotel and casino. That is totally different from the Freehold Borough situation where there is a population of over 12,000 people, as well as many businesses and the County seat of government,

which all have direct access to the existing centrally located Freehold Trailer/Lafayette Station.

Historically, the Post Office in Freehold Borough was located in a permanent structure and serviced both Freehold Borough and Freehold Township, when the Township was a rural area consisting mostly of farms. As Freehold Township's population increased, the second Post Office at Village Center Drive was opened. Two Post Offices serviced the two towns, although the Freehold Borough Post Office building was not handicap accessible. The Postal Service then reduced the Freehold Borough Post Office to a Trailer Facility. Freehold Borough was not a "branch" or "satellite" facility of the Village Center Drive Facility in Freehold Township. To accept the Postal Service's argument in this case would deprive this Commission of its power. All the Postal Service would have to do to close a facility is to reduce it first, then close it claiming it to be a "branch" or "satellite" of the next closest Post Office. This maneuver may not work in all cases; but, it would be utilized frequently enough to substantially diminish this Commission's jurisdiction.

As part of the justification for the discontinuance of the Freehold Trailer/Lafayette Station, the Postal Service relies on an attachment which is taken from its USPS.com website. It lists the close proximity of other "postal facilities and availability of postal services" within a 5-mile range of the facility to be closed. The Postal Service alleges, in other documents that were attached to its response, that when Congress adopted § 404(d), Congress knew, or should have known, that there was a difference between a Post Office that has a Postmaster and a satellite or branch office which does not have a Postmaster. Attached to the Postal Service's response is the list of the post offices that are within 5 miles of the Freehold Trailer/Lafayette Station that is to be discontinued. It is important to note that the print-out clearly shows that each of the satellite and branch offices which may or may not have Postmasters in residence, and regardless of their size, is shown as "Post Office <sup>TM</sup>". The Post Office has trademarked the word and uses it interchangeably for what they designate as being a Post Office, as well as a branch or satellite office. How should the public know that the distinction the Postal Service alleges exists? If you hold yourself out to the public to be something by listing yourself as a trademarked entity with a generic name, then you can't allege that everyone should know there are distinctions between the different gradations of the entity that is an internal designation differential for the entity itself. In this specific case it should further be noted that the two "post offices" that are the closest to the Freehold Trailer/Lafayette Station, other than the Freehold Township location, are in Adelphia, which is a section of Howell Township, which has its own post office, and Tennent, which is a section of Manalapan Township, which also has its own post office. In both cases, the physical buildings in which they are located are no larger than, and in

the case of Adelphia, is probably smaller than, the Freehold Borough Trailer.

2. The second position of the Postal Service is that § 404 (d) applies only where postal customers lose access to postal services, and that there is no loss where alternate retail facilities are located “in close proximity” to the discontinued station. In support of that position the Postal Service cites “other postal facilities” and [www.USPS.com/](http://www.USPS.com/) as alternate sources of postal services. Having other post offices in locations that are proximate to the Post Office station to be discontinued is a subjective criteria. The very fact that the Freehold Township Post office is 2.2 miles away and the Adelphia and Tennent offices are further than that would seem to indicate that these are not readily accessible. The Postal Service would ask this Commission to view this as similar to the *East Elko Station* case where that station was on the same street in another portion of the same town as the Elko Post office. It should be noted that the distance between them was 1.5 miles. The Postal Service also cites the *Sundance case (Docket No. A2010-2)* in which the 2 stations were 1.3 miles apart. What does the term “in close proximity” actually mean? Is there a definition that if it is greater than a specific mileage it is not “in close proximity”? There is nothing provided by the Postal Service that indicates that such a criteria exists. Therefore, it is entirely possible that a post office and a satellite or branch office could be one mile apart “as the crow flies”, but separated by a river with no nearby crossing. It would be in “close proximity” but impractical to traverse.

While the Freehold Township Post Office is the closest and is only 2.2 miles from the Lafayette Trailer, it should be noted that it is not “proximate” for pedestrian, public transportation or motor vehicle access. As for pedestrians, there are substantial portions of the roadway between the two locations that do not contain sidewalks and are not safe for pedestrian traffic. As for bus service, there is one bus that actually services stops within the areas that each of the post offices are located. That bus provides for an early morning round trip, a round trip in the middle of the day and one in late afternoon. The unfortunate part however is that the stop that is closest to the Freehold Township Post Office is at the CentraState Medical Center, which is not directly connected to the Post Office. Therefore, someone taking a bus would get off at CentraState, walk a distance of close to 2000 feet to gain access directly to the Freehold Township Post Office, conduct their business, and then walk back 2000 feet to catch the bus from the Medical Center back to Freehold Borough. When you look at the time schedule involved, the turn-around time between arrival at the Medical Center and pick up of passengers at the Medical Center for the return trip is 9 minutes. Therefore, it is virtually impossible for someone to take the bus, walk the 2000 feet to the Freehold Township Post office, conduct their business and walk 2000 feet back within the 9-minute period. There is no train service available between the two locations and nothing even in close proximity. As for motor

vehicle transportation, the time normally involved in peak commuter hours to go in either direction between a point in Freehold Borough and the Freehold Township Post Office is at least 20 minutes, and quite often longer. During non-peak commuter times it is still at least 15 minutes in either direction with 9 traffic lights. In addition, as Freehold Township's response indicated, the Post Office is not easy to access inasmuch as it has an inadequate amount of parking, is set back from the public road by over 750 feet, and the waiting time within the Post Office is substantial, particularly when it is related to holidays.

It is clear that there is inadequate access between the two locations to encourage the general public and businesses to utilize the Post Office in Freehold Township as a substitute location. As for the Adelphia and Tennent locations, neither is on a main highway and they are over one mile further than the Freehold Township location from downtown Freehold Borough. There is no direct bus service serving either of them. There are a substantial number of areas on which there are no sidewalks provided for pedestrian traffic. While there is less traffic going to these locations for motor vehicles to incur, the travel time for a round trip to one of these post offices during any normal time with an average amount of time spent in the post office is anywhere from 45 minutes to one hour. It is clear that the alternate postal facilities are not adequate to provide postal services to the people and businesses in Freehold Borough.

3. The Postal Service resists the request that the Station remain open until this matter can be resolved and that the closure be temporarily suspended. The Postal Service cites various rulings related to this issue and utilizes the Postal Service's "well publicized financial difficulties", as well as that the suspension of the closure would "be disruptive and cause unnecessary expenditures". The Postal Service neglects to recognize that its procedure is "arbitrary, capricious and unreasonable". The Postal Service alleges that it has already terminated its lease with the supplier of the trailer that is utilized, and that it has made arrangements for removal of the equipment, postal service boxes, etc. that are in the trailer. It alleges it may cause them to incur substantial expenditures if closure is delayed. What is "arbitrary, capricious and unreasonable" about that approach is that even if objectors follow the procedures set up for appeal of its decision it will have already closed down and terminated the facility as of July 29<sup>th</sup>, long before the Commission has reviewed the entire case and rendered a decision as to whether or not the postal facility should be discontinued. There is nothing that is more "arbitrary, capricious and unreasonable" than for a quasi-governmental or quasi-public entity to establish a procedure which does not preserve the status quo during the appeal process that has been established to determine whether or not the quasi-governmental or public agency decision is proper and supportable. The action of the Postal Service to close before a final

decision has been rendered on this appeal is “per se arbitrary, capricious and unreasonable”, is a denial to the people, governmental entities and businesses in the Borough of Freehold of their rights provided by 39 U.S.C. §404(d) et seq. which were adopted to protect the interests of the general public in accordance with the appropriate provisions of the US Constitution. For that reason, the Commission should immediately issue an Order suspending the closure and insisting on the continuation of service until this matter is finally resolved; or in the alternative, issue an Order that if the Postal Service discontinues the facility as of July 29<sup>th</sup>, or before this appeal is finally determined, that if the ruling is against it, the Postal Service must reopen a Freehold Borough facility within a specific period of time to provide the services that have been discontinued. In furtherance of that, it should be noted that prior to the Postal Service issuing their final notice of discontinuance, discussions were had with Postal Service representatives regarding alternate facilities in the Borough of Freehold that might become available in a permanent structure and under certain circumstances whereby the Postal Service would be able to reduce the normal costs involved with construction of or leasing of a Postal facility.

4. The fourth point by the Postal Service is that it made numerous arrangements to implement the final determination, including that they notified the Lessor the required number of days in advance to terminate their Lease as of July 29<sup>th</sup>, that they have arranged for the premises to be vacated internally in a timely fashion with all Postal owned equipment removed, made arrangements for relocating the affected employees, and “scheduled various operational changes to coincide with the discontinuance of the Freehold Trailer/Lafayette Station on July 29<sup>th</sup>, 2011, with the overall conclusion that basically a suspension would frustrate an “orderly transition and be costly”. None of these reasons justify the position that the Postal Service has taken that they have made their decision; and it is a foregone conclusion that they will simply terminate service as of July 29<sup>th</sup>, irrespective of what the Commission ultimately determines by their final decision as to whether or not the action of the Postal Service is justified. In fact, if the Commission determines that the Postal Service was not justified in discontinuing service, what relief is available to all the people who are adversely affected in Freehold Borough by the Postal Service’s action? If there is no remedy that can be imposed by the Commission after the postal service in the trailer has been discontinued and the trailer facility has been removed, what is the purpose of the whole Commission appeal process? The only answer to that question that makes any sense is that the Postal Service is acting in an “arbitrary, capricious and unreasonable manner” in effectively ignoring the jurisdiction of the Commission to make an independent decision based upon the facts as to whether the Postal Service’s plan and respective actions are justified. It appears that what they are doing is simply moving ahead with their plan and

paying “lip service” to soothe appeal process, by making a decision and then implementing it before the Commission can make a decision to protect the public interest. I can’t see a better example of how the Postal Service has taken an action leading to a discontinuance “without observance of procedure required by law” inasmuch as they have mooted the ability of the Commission to come to an independent decision and save this Post Office location. The simple answer is that the Postal Service should have taken no irreversible action to terminate the lease until the time for appeal had expired, with no appeal having been filed; or until any filed appeal has been finally decided in their favor.

5. We have also received a copy of The United States of America Postal Regulatory Commission Advisory Opinion Concerning the Process for Evaluating Closing Stations and Branches Docket No.N2009-1, which was accepted on March 10, 2010. It is interesting that the Postal Service representative who testified indicates that in the review process the Postal Service looks at various factors, including proximity to other retail service facilities, space requirement and capabilities, alternate retail window and delivery service options, the ability of nearby postal facilities to handle the retail service and mail processing workload that may shift to their location, the ability of the community served by the facility to access nearby postal facilities or alternate access channels, and “other factors as may be deemed appropriate”. On page 19, it again indicates that the other factors unique to a particular facility are also considered. Examples given include, location and proximity to a major Internal Revenue Service Center (which obviously does not apply in this case), or customers’ specific needs, such as high concentrations of elderly, economically disadvantaged, limited mobility or non-English speaking customers. On page 21, it then indicates in the pre-screening process that is done by the Postal Service that it looks at items such as the existence of other postal-operated facilities within 5 miles, or within 5 to 10 miles. It would appear that in many of the Central and Western states where municipalities are far apart, and particularly in rural areas, that a 5 mile, or 5 to 10 mile differential is not significant. That is not the case in a highly developed area with substantial traffic conditions and high population density. It then looks at alternate retail access channels within a one mile proximity of a station or branch, which obviously in the Freehold Borough case does not apply. Next it looks at the availability of space in nearby postal facilities of any type necessary for carrier operations now located in the candidate station/branch with 80% being the critical factor. Again, that is not the case here because when the Postal Service moved from its office in Freehold Borough to Freehold Township, it took the carrier service ; and therefore, the Freehold Trailer/Lafayette Station basically became a retail facility, as well as a post office box facility. The fourth category to be considered is the ability of the “gaining facility” to accommodate

current and future customer, postal and employee vehicle parking. While there is only one postal employee who would be moved, the employee parking should not be a problem. However, the existing Freehold Township facility has a serious access and customer parking problem, particularly during the holidays when there is inadequate parking and dangerous conditions regarding turning movements and pedestrian access through the small parking lot area. ( See Freehold Township Petition, "Reasons for Appeal", paragraphs 1 & 2). Adding additional cars to that parking lot during post office peak period and holidays will further overload the Freehold Township post office facility. It also evaluates if the gaining facility is sufficient to accommodate transfer of the candidate facility's operations. Since the candidate facility's operation is mainly related to retail counter transactions, and the delays in the Freehold Township Post Office are already substantial at times, it is difficult to understand how adding more foot traffic into that Post Office facility will be readily handled without further increasing delays. The next item is that the building in which the discontinued postal facility is currently located is structurally designed to meet future postal needs is the one factor that is in favor of the Postal Service. The current trailer is barely adequate, as it currently exists. However, there are alternate facilities to relocate the branch within the downtown Freehold Borough area that would provide adequate parking, handicap access and increased facilities for service. The imminence of a forthcoming lease termination opportunity for the postal facility also applies, so it is valid in this case. However, again, there are alternate facility locations that can be made available.

6. Finally, consideration must be given to the population that is serviced by the current Freehold Trailer/Lafayette Station. It should first be noted that for many years the census in Freehold borough was constant between 10,000 and 11,000 people. However, the 2010 census indicates that the population as of January 1, 2010 was 12,052 for almost a 10% increase. Of the 12,052, the census indicates that 7,920 people are classified as White, 1,515 people are classified as Black and 2,617 people are classified as Asian and other. There are some other minor groupings. However, what is most important is that of the above, the Census indicates that 5,167 people are of Hispanic or Latino heritage. It is important to note that Freehold Borough has been a prime immigration area for Hispanics for the last 20 years. The Hispanic population in Freehold, as evidenced by the census, makes up approximately 43% of the population. Another factor from the Census is that the under 18 years of age population in Freehold Borough is now at 25% of the population. This is the result of two factors. One is that most of the Hispanics immigrating to the area are relatively young and obtain unskilled day labor jobs, since many of them are illegal and do not have the required immigration papers necessary to obtain skilled labor jobs; and secondly, the immigrants coming here

being both male and female, have families here, and since many of the immigrants are underage themselves and are of the prime child bearing age they historically produce families of substantial size.

In addition to the above, the number of housing units increased from 2000 to 2010 by 11.25% to house the increase in population. Many of the Hispanic and Asian people who work unskilled jobs speak inadequate English, are relatively poor since they work for day wages, and do not have access to the internet; nor are they able to obtain motor vehicle licenses (in that case due to the fact that they do not possess a green card). Therefore, they do not have access to USPS.com, nor do they have access to motor vehicles to commute to an out of town postal facility. The bus fare from Freehold Borough to CentraState Medical Center is \$1.50 each way. If cab service is instead utilized, the fare is a minimum of \$6.50, plus waiting time. When you compare those costs for low income people against having a postal facility that is a walk-up facility in a municipality in which the business district is geographically the central portion of the borough, it is obvious that the discontinuance of the Freehold Trailer/Lafayette Station will deny a substantial portion of this population from access to a postal facility, as well as online postal services. In looking at the United States census bureau American "Fact Finder for the years 2005 through 2009 American Community Survey, 5-year Estimates", some of the following information is supportive of what is stated above:

- a. US average for high school graduates or higher for populations 25 years and over is 84.6%. It is 72.9% in Freehold Borough. Likewise, people with a Bachelor's Degree or higher is 27.5% for the US average and 19.2% in Freehold Borough.
- b. As far as foreign born, the US average is 12.4%, while Freehold Borough is 31.2%.
- c. Another interesting factor is that the US average for speaking a language other than English at home is 19.6%, while Freehold Borough is 45.6%
- d. As for the poverty level of families the US average is 9.9%, while Freehold Borough is 11.2%; and as for transient population, the US average for renter occupied housing units is 33%, while Freehold Borough is 43%.
- e. The statistics for Hispanics or Latinos of any race in the US average is 15.1%, while Freehold Borough is 38.8% (based on the 2010 Census, it's 43%).

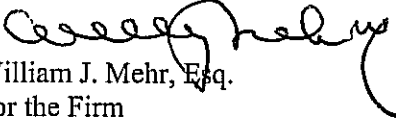
These statistics clearly support "customers' specific needs, such as high concentrations of elderly, economically disadvantaged, limited mobility or non-English speaking customers". (Docket No. N2009-1 at page 19), to substantiate the continued need for a branch post office in Freehold Borough.



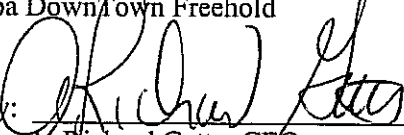
Attached are two additional items that were not referred to in the response from the Postal Service. The first is a copy of the Freehold Borough Attorney's filing with the Commission that was done some time ago, as well as an original petition with over 250 signatures of residents and business owners in Freehold Borough who utilize the Freehold Trailer/Lafayette Station and wish to see it remain open. It should be noted that this petition was the result of one local business owner's efforts who relies heavily on the Post Office; and while it may not satisfy the technical legal requirements of a petition as far as the verification of the signatures obtained, it does indicate substantial support among the local population of our appeal.

Therefore, we respectfully request that the Commission take immediate action to suspend the closing of the Freehold Trailer/Lafayette Station in Freehold Borough from July 29<sup>th</sup>, 2011 until the Commission issues its final decision; or alternatively, require the Postal Service to commit to a replacement postal location within Freehold Borough if the Commission rules in the Petitioner's favor. Further, we respectfully request that the Commission consider all of the information available and determine that the Postal Service has not established its case as to the justification for discontinuing postal service in Freehold Borough, and that its discontinuance decision is an "arbitrary, capricious and unreasonable action" as set forth in this Petitioner's Statement; as well as that it is ignoring the makeup of the community that requires a centrally located Postal Office within Freehold Borough to adequately provide postal service to the residents and businesses.

Respectfully submitted,

  
William J. Mehr, Esq.  
For the Firm  
Attorneys for Freehold Center Management Corporation

Freehold Center Management Corporation  
dba DownTown Freehold

By:   
A. Richard Gatto, CEO

BEFORE THE  
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Freehold Trailer/Lafayette Station, New Jersey 07728 : Docket No: A2011-19  
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**SUPPLEMENT TO PARTICIPANT STATEMENT**

This Supplement to the Participant Statement of Freehold Center Management Corporation is made based upon the copy of the Administrative Record that was submitted by the Postal Service on July 7, 2011 and forwarded to Petitioner thereafter, but which was not reviewed as part of the preparation of the original Participant Statement. The items that are contained in the additional documents that are of interest and concern and need to be called into question are as follows:

Rather than argue the notice provisions submitted by the United States Postal Service through its Chief Counsel, Global Business, Anthony F. Alverno, these comments will address the exhibits provided.

1. The first exhibit is the Demographics and related information regarding the Borough of Freehold. There is a Postal Customer Questionnaire Analysis which appears on page 2 of 9 of item 10. That indicates that there were 375 total questionnaires distributed by the Postal Service by being placed in the PO Boxes and by being made available at the counter to walk-in customers. Of the total questionnaires distributed, 184 were received back by the Postal Service, and classified by them as 19 being favorable to closing the Freehold Trailer/Lafayette Station, 86 being unfavorable to closing the Freehold Trailer/Lafayette Station, and 79 expressing no opinion as to whether or not it should close; although, those 79 responses raised many questions regarding what would happen if the Freehold Trailer/Lafayette Station was closed. From that, the Postal Service determined that if you add the 19 favorable and 79 who expressed no opinion, the result is 53.3% of those who did respond being either favorable to closure or having "no opinion on the current service", while 46.7% were unfavorable to closure. They then go further to indicate that if you combine favorable responses to close with the "no opinion" responses, as well as those surveys that were not returned at all, the result is 77.1% of the questionnaires that "have no known opposition to the proposed action".

This is the most arbitrarily skewed utilization of figures that could possibly occur. For the 191 questionnaires that were not responded to, it should first be noted that the heading indicates that 375 questionnaires were delivered to the Freehold Trailer/Lafayette Station, and nothing indicates whether all 375 were actually distributed; or some number of them may simply have not been picked up by any customers and were ultimately simply destroyed or disposed of by the on site employee. In other words, there is no assurance that all 375 were actually distributed. The questionnaire consisted of 2 pages as shown in the exhibit and many people may not have understood the severity of the situation of why the questionnaire was there; and secondly, may have simply decided not to take the time to fill out the questionnaire. Likewise, even for those questionnaires that were in the PO Boxes, there is no assurance that the questionnaire got back to the person responsible in each business that has a PO Box and/or that person understood the serious nature of the survey. That clearly indicates that the 77.1% calculation has no value.

As for the other conclusion, it should be noted that of the 184 questionnaires returned, only 19 were favorable to closure, which is 10.3%; while 49.1% were clearly opposed. It would be more proper to add the "no opinion" questionnaires to being opposed than to put them in the same column as the favorable to closure as was done by the Postal Service. It is more probable that those people who answered with the "no opinion" were simply asking questions and evaluating the current service.

It must also be noted that there is no direct question on the questionnaire that specifically asks if the person filling out the questionnaire wishes to have the Freehold Trailer/Lafayette Station closed or not. Therefore, it is totally logical that a substantial number of people did not make a comment regarding that, but simply filled out the questionnaire by answering the questions that were proposed and therefore did not make any comment as to whether or not the branch should be closed. If you don't ask the direct question, you won't get the answer that you don't want to hear, which is obviously what the Postal Service did. With that in mind, if you instead were to transpose this and count those who did not express an opinion with the unfavorable responses, you would have 89.7% of the public who are against closure. While I am not claiming that that is any more accurate than what the Postal Service did, it must be noted that 86 of the 105 people who filed either a favorable or unfavorable response, responded unfavorably to closure. That is 82% of those people taking a firm position responded against closure.

2. There are 35 pages of information that was supposedly relied upon by the Postal Service that has been redacted in total or in substantial part, out of approximately 40 pages of financial based supporting information. In the response at the back of the documentation, listed as exhibit 4, the rationale for doing this is set forth. I wish to bring to your attention item #4 on page 2 of the response filed by the Postal Service, where it indicates that disclosure of such information would likely cause the Postal Service harm. The exact wording is:

“Revealing Postal Service financial information would enable competitors to focus marketing efforts on particular Postal Service locations with many potential customers for the competitor. In particular, stations and branches are located in urban areas where competition with private commercial receiving agencies is quite common. The Postal Service considers it highly probable that, if this information were made public, local competitors would take advantage of it.”

Then in subparagraph 5, where specific hypothetical, illustrative examples of each alleged harm are set forth, the first hypothetical specifically states:

“Facility-specific financial information at a particular location is revealed to the public. A nearby private commercial mail receiving agency reviews the information, and determines that a discontinuance will affect enough potential customers at the postal location to justify an advertising campaign targeted at existing Postal Service customers. The private company directs advertising for its mail box and shipping service to existing Postal Service customers, thereby causing the Postal Service to lose business to the competitor.”

It is clear then that the justification for redaction of the information is simply to avoid non-Postal Service companies from entering into a market that the Postal Service is abandoning. If in fact there was justification on an economic basis why the Freehold Trailer/Lafayette Station should be closed, then why would it make any difference if information was available to show that it was economically not feasible to maintain the facility? Actually, just the opposite is true as will hereafter be stated, and the Postal Service does not want to give up a lucrative and highly economical Postal location which they hope they can transfer to the inconvenience of their customers, without engendering competition within the downtown area serving the residents and businesses in Freehold Borough.

3. In the financial information that is provided, it shows that there is approximately \$690,000 in revenue derived from the operation of the Freehold Trailer/Lafayette Station in 2008 and approximately \$660,000 in the 2009 and 2010 fiscal years. Against that, in information that was not redacted, the Department has indicated that the total annual cost of operating the facility during the year 2010 was \$159,500, or 24.1% of revenues in fiscal year 2010. The Postal

Service indicates that there is a 6.3% decrease in retail transactions since fiscal year 2009. Total revenues in 2009 were \$660,794 and in fiscal year 2010 were \$660,928. It is possible that the number of actual counter transactions decreased by 6%, but the revenues remained constant.

It is also clear that this retail facility was providing \$3 of profit for each \$1 in cost during the last fiscal year. This is in spite of the fact that there has been a substantial downturn in the economy in this part of Monmouth County that would particularly affect the local Post Office since Freehold Borough is the County seat for Monmouth County Government as well as its Court system, and there is a substantial number of law firms located within Freehold Borough. As the economy has weakened, the land use development in the area has substantially weakened, with the number of new homes and construction being seriously impacted in the years 2009 and 2010, and continuing into this year. As an example as to how this can affect the Post Office, notices for public hearings for land use applications require certified mail notification to adjoining property owners. In my office alone, the average number of certified mailings that are required to be sent out for an average subdivision, site plan or variance application is in the range of 35 to 50 letters. Assuming 35 certified mailings multiplied by the current rate of \$5.59 per envelope, the result is approximately \$195 per mailing, and multiply that by 20 less applications we have been averaging the last two years over prior years, the result is almost \$4,000 less in certified mail costs that is experienced by just one law firm. If you multiply that by the number of law firms that do land use development work in the area, the reduction of this one item becomes significant. Regardless of that however, numbers speak for themselves and it clearly shows that the Freehold Trailer/Lafayette Station is not uneconomical to run, in fact it is probably significantly more profitable than many small post offices where there are both Post Masters and employees located in surrounding municipalities.

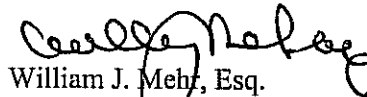
4. Finally, going back to the demographics and geographics, on page 3 of the report it shows that the Postal Service utilized the 2000 Census, and estimates of population through 2007. It should be noted that compared to what we have listed in our Participant Statement, based upon the 2010 Census and related updated information, the Postal Service ignored the fact that even in 2000 28% of the population was Hispanic or Latino, and makes no comments regarding foreign language spoken in the home and the comparison of the per capita income and proportion of poverty compared to national averages. It is interesting to note that in the supporting materials utilized to substantiate their position there was some consideration regarding senior citizens, but apparently no consideration regarding the Hispanic/Latino population, many of whom do not

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speak English both in and out of their homes; nor does it take cognizance of the fact that many of this demographic group are illegal immigrants, who work as day laborers on a per diem basis, and therefore have an inconsistent income, as well as they do not have the ability to obtain a driver's license since they do not have the required identification documents. The inability of these individuals to practically be able to utilize a Postal Office which is at least at a minimum 2.5 miles from the center of Freehold Borough completely ignores one of the criteria that is supposed to be considered by the Postal Service in determining the effect on the community. Effectively, by the proposed closure, these people (who now number over 5,000) will be denied access to the Postal Service.

For all of the above reasons, it is obvious that the Postal Service has misused or skewed statistical data by using only the data that it has determined is favorable to their intentions, and has incorrectly indicated that the Freehold Trailer/Lafayette Station should be discontinued since it is uneconomical to continue, and has ignored the needs of the Freehold Borough community.

Respectfully submitted,

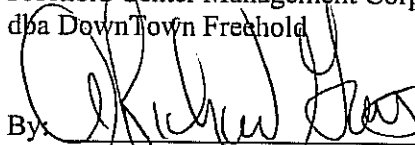


William J. Mehr, Esq.

For the Firm

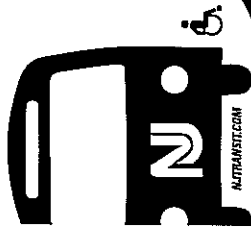
Attorneys for Freehold Center Management Corporation

Freehold Center Management Corporation  
dba Downtown Freehold



By:

A. Richard Gatto, CEO



- ➔ ASBURY PARK
- ➔ BAPTIST Transportation Center
- ➔ BAPTIST Medical Center
- ➔ JERSEY SHORE Medical Center
- ➔ MONTICELLO Mall
- ➔ TINTON FALLS
- ➔ Jersey Shore Premium Outlets
- ➔ WALL
- ➔ DOWELL
- ➔ FREEHOLD DORO
- ➔ Abnamsouth County Courthouse  
Freehold Center
- ➔ Freehold Parkway
- ➔ FREEHOLD TOWNSHIP
- ➔ Abnamsouth County Human Services  
Center
- ➔ Georgia State Medical Center

**CUSTOMER SERVICE ★ STARS**  
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Zone	1	2	3	Transfer
Adult	\$1.50	\$2.35	\$2.90	\$0.70
Children & Sr. Citizens	\$0.70	\$1.05	\$1.30	\$0.35

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**A.M. - light face type**

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[illegible]



**Customer Service  
Commendations/Complaints  
Schedules, Fares and Lost & Found  
NJ Transit Information**

[www.njtransit.com](http://www.njtransit.com)

Service on this line is operated  
by VEOLIA TRANSPORTATION  
SERVICES under contract to  
MTI TRANSIT.

[illegible]

**P.M. - Hold fare type**

[illegible]

## Sundays

## To Freehold

## Saturdays

**Weekdays**


**take note**

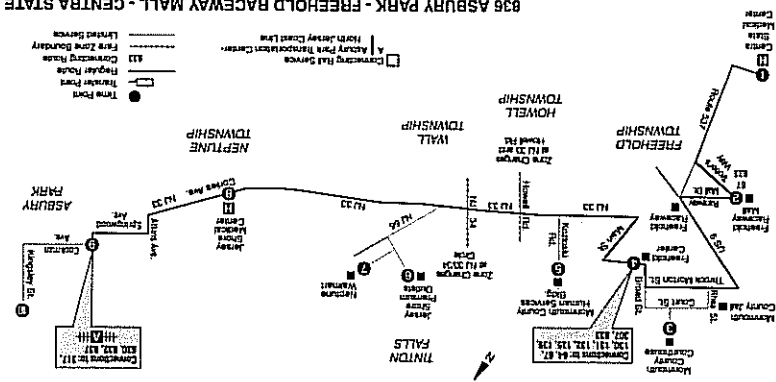
## Important Changes what's new for riders

**The schedule has been adjusted to improve on-time performance.**

**Customer Service Note**

The expanded weekday evening and weekend 236 service has been made possible thru grants secured by the Monmouth County Planning Board from the Federal Transit Administration and the State of New Jersey. This service expansion may be discontinued at the discretion of the Monmouth County Planning Board upon notice.

 All trips are operated with lift-equipped buses. NOTE: when travelling into or out of the Port Authority Bus Terminal or George Washington Bridge Bus Station, indicate call 1 (973) 275-5555 in advance for the location of an accessible boarding aisle.







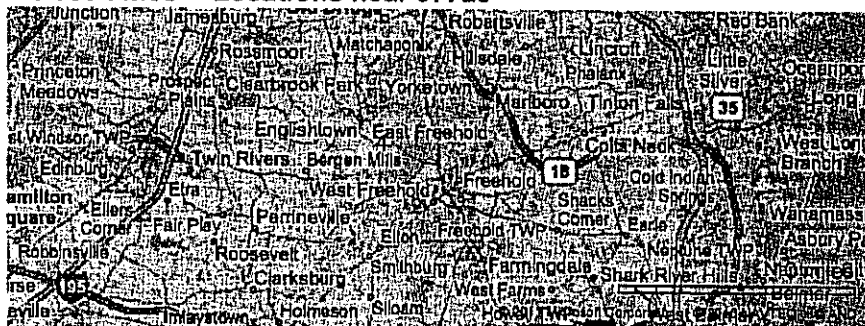
A service of



# Post Office™ Locations

[PRINT](#) | [BACK](#)

## Post Office™ Locations near 07728



- |   |  |  |
|---|--|--|
| <p><b>1</b> <b>Post Office™</b><br/> <b>Location -</b><br/> <b>LAFAYETTE STA</b><br/>           13 LAFAYETTE ST<br/>           FREEHOLD, NJ<br/>           07728-3501<br/>           (800) ASK-USPS<br/>           (800) 275-8777</p> <p><span style="border: 1px solid black; padding: 2px;">0.0 mi</span></p>                 | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           8:30am-4:30pm<br/>           Sat<br/>           9:00am-1:00pm<br/>           Sun</p>  |  |
| <p><b>2</b> <b>Post Office™</b><br/> <b>Location -</b><br/> <b>FREEHOLD</b><br/>           200 VILLAGE<br/>           CENTER DR<br/>           FREEHOLD, NJ<br/>           07728-9998<br/>           (800) ASK-USPS<br/>           (800) 275-8777</p> <p><span style="border: 1px solid black; padding: 2px;">2.2 mi</span></p> | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           8:30am-5:00pm<br/>           Sat<br/>           9:00am-1:00pm<br/>           Sun</p>  | <p><b>Services</b><br/> <a href="#">Passport Application</a><br/> <a href="#">Services</a><br/> <a href="#">Automated Postal Centers®</a></p> <p>Service hours may vary. Please check link for business hours.</p> |
| <p><b>3</b> <b>Post Office™</b><br/> <b>Location -</b><br/> <b>ADELPHIA</b><br/>           16 WYCKOFF MILLS<br/>           RD<br/>           ADELPHIA, NJ 07710-9800<br/>           (800) ASK-USPS<br/>           (800) 275-8777</p> <p><span style="border: 1px solid black; padding: 2px;">3.1 mi</span></p>                  | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           7:30am-4:30pm<br/>           Sat<br/>           8:00am-12:00pm<br/>           Sun</p> | <p><b>Services</b><br/> <a href="#">Passport Application</a><br/> <a href="#">Services</a></p> <p>Service hours may vary. Please check link for business hours.</p>  |
| <p><b>4</b> <b>Post Office™</b><br/> <b>Location -</b><br/> <b>TENNENT</b></p>  | <p><b>Business Hours</b><br/>           Mon-Fri<br/>           8:00am-1:00pm</p>   |  |

420 MAIN ST  
TENNENT, NJ 07763-  
9800  
(800) ASK-USPS  
(800) 275-8777

1:30pm-4:30pm  
Sat  
8:00am-12:00pm  
Sun

3.4 mi

**5 Post Office™**

**Location -**

**MARLBORO**

8 S MAIN ST STE 1  
MARLBORO, NJ  
07746-9998  
(800) ASK-USPS  
(800) 275-8777

**Business Hours**

Mon-Fri  
8:30am-7:00pm  
Sat  
8:30am-4:00pm  
Sun

**Services**

**Passport Application  
Services**

Service hours may vary. Please  
check link for business hours.

3.9 mi

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**McKenna, DuPont, Higgins & Stone, PC**  
229 Broad Street  
P.O. Box 610  
Red Bank, New Jersey 07701  
(732) 741-6681  
Attorneys for the Petitioner

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IN THE MATTER OF	:	POSTAL REGULATORY COMMISSION
THE PROPOSED CLOSING OF	:	
THE FREEHOLD BOROUGH	:	PETITION TO APPEAL POSTAL SERVICE
POST OFFICE	:	DETERMINATION TO CLOSE POST OFFICE

The Mayor and Council of the Borough of Freehold respectfully petition the Postal Regulatory Commission as follows:

1. The Petitioner, Borough of Freehold is a body politic.
2. The Respondent is the United States Postal Service.
3. A copy of the correspondence from the USPS advising of the final decision to close the Freehold Borough post office and the Notice to Patrons are attached.
4. The Mayor and Council of the Borough of Freehold have been duly elected to represent the citizens of Freehold Borough. The Mayor and all Council members reside in the Borough of Freehold.
5. Freehold Borough is the County Seat of Monmouth County, New Jersey, home to the Monmouth County Court House, Monmouth County Clerk's office, the Board of Chosen Freeholders, and numerous County offices.
6. As the County Seat, Freehold Borough is the hub of commerce and government services. The lack of a postal facility would result in a major disservice and tremendous inconvenience to these users, which include the County Government and Monmouth Vicinage of the New Jersey Superior Court.
7. The closing of the Freehold Borough post office would leave Freehold as the only County Seat in the State of New Jersey without a postal facility.
8. Freehold Borough is home to a large immigrant pedestrian population who would have no means of access to a postal facility in the event the Freehold Borough post office is closed. The large amount of pedestrian users would not be able access the Freehold Township postal facility without great difficulty and expense.

9. Though only 2.5 from the Freehold Borough facility, the Freehold Township postal facility is not easily accessible. The traffic between the two locations is extremely heavy and the 2.5 mile trip can easily take over 15 minutes. Two state highways intersect Route 537 between the two post office locations.
10. A large part of the extremely busy Route 537 does not have sidewalks, leaving the pedestrians who venture to the Township facility at risk of harm.
11. The large immigrant population does not have access to computers and therefore cannot utilize the Postal Services website to purchase stamps, shipping labels or to request package pickup.
12. The Township facility has inadequate parking, inadequate and unsafe vehicular circulation and excessive waiting times.

Petitioner herein requests that the determination to close the Freehold Borough Post Office be overturned.

Freehold Borough



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By: Kerry E. Higgins  
Freehold Borough Attorney

**GIANNA G. DELL'OMO  
25 Broadway  
Freehold, NJ 07728**

**July 1, 2011**

**POSTAL REGULATORY COMMISSION  
901 New York Avenue NW  
Suite 200  
Washington, DC 20268-0001**

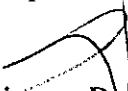
**Re: Freehold Borough Post Office  
Location: Lafayette Place, Freehold Borough, Monmouth County, NJ**

**Dear Commissioner:**

**Enclosed is a petition addressed to Congressman Chris Smith executed by the residents and business community of the Borough of Freehold in a collective request to retain the services of the Lafayette Place Post Office.**

**Your attention to this matter and intervention of the proposed July 29<sup>th</sup> closing would be greatly appreciated. Kindly accept this petition and the signatures therein on behalf of the residents of the Borough of Freehold.**

**Respectfully yours,**


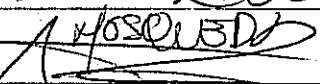

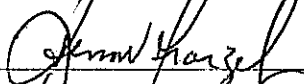


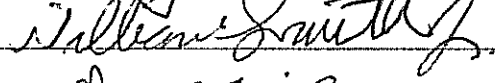
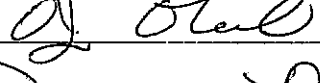
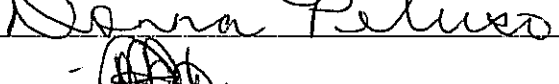
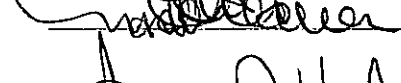

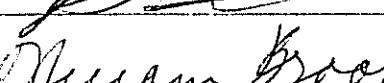
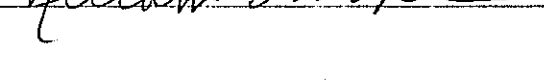
  
**Gianna Dell'Omo  
Borough Resident**

Dear Congressman Smith,

We, the residents and business community of Freehold Borough, make a collective request to retain the services of the Freehold Borough Post Office at its current location or, in the alternative, a location within the Borough. The Lafayette Street post office has provided commendable service to our community, and closing of the office would render a great inconvenience to the residents and collective business and County offices of Freehold Borough. Your attention to this matter and intervention of the proposed July 29<sup>th</sup> closing would be greatly appreciated.

Sincerely,

Residents and Business Community of Freehold Borough

Jeffrey Marks

Betty Buxton

Mary D. P. P. P.

Charles J. P. P.

Joe P. P.

Karen Mac

Maddalena

John P. P.

Harvey Orlin

Carole Hunt

Phyllis Harrington

John P. P.

John P. P.

John P. P.

Harvey P. P.

Ann Waters

Jessica Kubice

Lana King

John E. Parkowski  
Mary Westead  
Rosa Miller  
Chris Nash  
Tom Van

~~James~~

Reynolds, L. nee 19. 4059 0111.

James J. Jr.  
Rachael  
Wickie J. Jones  
~~James~~  
John J. Jones  
John J. Jones  
Walter Kaslow  
Ann Seaford  
Bri. King  
Liliane Bennett  
Maria Dea  
Betty O'Keefe



Esi Gutierrez

D. J. C.

John M. C.

Debra Fulmer

Debra

MARK SHIBELAND

Lincoln M. C.

Ben B. C.

John C. C.

W. M. T. BROOKLYN Bagels.

Debra C. C.

James C. C.

James Stanley

John Caricchio

James C. C.

Judi Caricchio

John C. C.

Ed R. C.

Doreen R. C.

Kelly B. C.

Tiffany Canale

V. Moss

Mary Thelma Bender

Steve Ziv

Donald F. Wood

Robert Rawlous

Maria Roman

Anibal Cusano

Marie Marconi

Domènec Llanos

William J. Bender

Stanley R. Jordan

John F. Papp

Gary Paul N. Stefani

NATIONAL TRAINER

Joe M. L.

Joe M. L.

Jeff S. Bush

Joe M. L.

Joe M. L.

Kathleen Redmond

Leo Redmond

Henry Bruler & Sons

Henry Schuff Messengers since

Robt. S. Roberts

William Viscelli

Bill

John Z. Z.

William O'Neil

Jose Colon

Kristle Celeste

Pamela Temple

Sam

Edward

John

John

Dean

Henry

Richard Caldwell Sr

John

John Valencius  
Dennis Terrante  
P Schwartz

John Samel  
D

Betie Lynn

Sam Pirager  
Michael Indigo  
Victor S. C.  
M. Broder

Alan Broder

Dale Lynn

Dugadio Baldas  
Bob Lamb

DGMA  
J

Don Carlo  
S. Allen

Marla Kuhl

Ralph Carr

Ally P. Long

~~John M. Long~~

~~John M. Long~~

Kevin Simon

~~John M. Long~~

Melendez

Liz Bloodgood

Benjamine Fedor

Timothy

John Wery

Sally Sauter

Matthew Sauter

~~John Wery~~

Richard Strauss

W. Strauss

Charles Strauss

Deyna Castro

Alex J. Garcia

~~Amal Z~~  
~~Jack W. Whitell~~  
~~Am~~  
~~Help~~

New City Victor Rodriguez  
Clicel Sc Diaz  
Alfonso Nelo  
Mamun Uppin

Simon H. L.B.  
Barry Weiner  
B.D. L.B.  
Sten M. L.B.

John Kelly  
Santa Parrish  
L.B.  
Paul Borneo  
L.B.

Maureen Hearty  
Shannon Hearty  
Catherine Leary

Fluck, Japuta

Scam A.

1. A Proves The Pilo.2

Indiana Grande

*[Handwritten signature]*

gustav shah (Freehold liquor)

Michael Fedorzi

Dorothy Beierschmidt

Carol Lido

May Jo Muhn

Agnes Smith

Carol Piceano

John Puro

Nancy Kura

M. LaSalle

Nancy Moskowitz SBR Energy

John Puro

Paul Puro

V. Rios

Andy Kiel - Kiel Properties

Jeff Friedman

Nicole Garcia

Mike

Mike

Mike

John Lantz

Joan Lantz



Stephen R. Ruff  
Anthony De Ar  
Patricia Lavelle

John J. J.  
Eugene Campbell

Abraham Oliver  
Janiell Medina  
Pedro Lopez

Arunas Vike  
Rasa Vike

Bernie Mayo  
Peris May

Samora Ruff  
Maritza Ruff

Karen Bean

Janet  
Janis Janki

Michelle Sweder

Robert Gaur

Michael

Schultz

T & K Contractors

Donald

Michael Engel

David Hocher

Vicki Jelenik

Michael

Robert

John

Kate Gufgates

Barbara

Carol Stalzy

Barbara Wagner

John

John